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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,565	08/27/2001	Brian Curtis Rugg	5306.0005	1728
20786	7590	08/02/2005	EXAMINER	
KING & SPALDING LLP 191 PEACHTREE STREET, N.E. 45TH FLOOR ATLANTA, GA 30303-1763			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,565

Applicant(s)

RUGG ET AL.

Examiner

Ramsey Refai

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 11,22,36 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-21, 23-35, 37-47, 49-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Responsive to Amendment filed May 9, 2005. Claims 1, 12, 15, 18, 26-27, 31-33, 35, 40-41, 44-45, and 47 have been amended. Claims 11, 22, 36, and 48 have been canceled. Claims 52-59 are new. Claims 1-10, 12-21, 23-35, 37-47, and 49-59 are now presented for examination.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 56 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recites a "third file format" however, it is not clear what section in the specification supports this newly introduced limitation.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 12-21, 23-35, 37-47, and 49-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (U. S. Patent No. 6,092,114) in view of Beyda et al (U.S. Publication No. 2001/0051991) in further view of Wecker et al (U.S. Patent No. 6,311,058).

5. As per claim 1, Shaffer et al teach a method for transmitting an image comprising the steps of:

receiving image data in a first file format at a first server (**column 2, lines 30-42; email attachments may be image data**);

converting said image data in a second file format (**abstract, lines 7-12**),

transferring said image to a second server over a first path (**column 1, lines 28-35, column 5, lines 14-18 and column 2, lines 34-42**); and

sending said image from said second server to an end-use-device (**column 8, lines 56-60**) over a second path (**column 4, lines 4-11 and column 5, lines 50-55; wireless transmission**), said end-use-device not capable of receiving files over said first path (**column 5, lines 50-55; wireless transmission**), said end-use-device limited to receiving files of a size less than or equal to said specified size (**abstract, lines 7-14 and column 8, lines 52-55; capabilities of client devices specifies**).

6. Shaffer et al fail to teach converting image data into a plurality of image files. However, Wecker et al teach a server that splits the content received from a content provider into pieces such that it conforms to maximum packet size (**column 3, lines 26-32**).

7. Shaffer et al also fails to teach that a file is limited to a size that is less than or equal to the maximum file size capable of being received by the end-use device. However, Beyda et al teach that the size of the file is limited to a pre-selected threshold for that device (**see paragraph [0037], abstract**).

8. It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Shaffer et al , Wecker et al, and Beyda et al because doing so would ensure that data files sent to end-use device do not exceed the capabilities of that end-use device.

9. As per claim 2, Shaffer et al discloses displaying image (**Figure 3, 76,72, and 64; client accesses attachment**) but fail to teach reassembling at said end-use-device said plurality of image files into an end-use-device file and converting said end-use-device file into a file format capable of being displayed on said end-use-device

10. However Wecker et al teach an unpackager and rejoiner on a mobile device (**Figure 6, 212**) that receives, unpacks and rejoins a group of packets transmitted. Translation components act to reformat and translate the data into appropriate form to be handled by content handler so that a user can view the content on a browser (**column 9, lines 22-45**). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine

the teachings of Shaffer et al, Wecker et al, and Beyda et al because doing so would ensure that data files sent to end-use device do not exceed the capabilities of that end-use device.

11. As per claim 3, Shaffer et al teach the step of transferring said image data to said first server over said first path (**column 2, lines 30-42**).

12. As per claim 4, Shaffer et al teach that image data is in said first file format and is transferred to first server (**column 2, lines 30-42**) from a user computer (**column 1, lines 24-26**).

13. As per claim 5, Shaffer et al teach receiving image details and recipient end-use-device data (**column 4, lines 64-65 and column 6, lines 23-27**).

14. As per claim 6, Shaffer et al teach placing said image details (**column 6, lines 23-27**) and said recipient end-use-device data into image file (**column 4, lines 64-65 and column 6, lines 40-43**).

15. As per claim 7, the claim contains similar limitations as claim 2 above and is rejected for the same reasons as claim 2.

16. Although Shaffer et al teach displaying images (**Figure 3, 76, 72, and 64; client accesses attachment**), Shaffer et al fail to teach displaying image details. It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention that it is well known in the art to display image details along with image. It would have been obvious to one of ordinary

skill in the art at the time of the applicant's invention to display image details in Shaffer et al's system along with the image in order to identify the file and file type.

17. As per claim 8, Shaffer et al teach end-use-device is designated by said recipient end-use-device data (**column 6, lines 30-53**).

18. As per claim 9, Shaffer et al fail to teach placing a unique header in each file of said plurality of image files, said unique header indicating the total number of files comprising said plurality of image files, and said unique header also indicating the position of each file of said plurality of image files within said image data.

19. However, Wecker et al teach a header in each packet. The header can contain packet number, sequence number, and other headers that provide a unique identification of the packet stream that enables a receiver such as a mobile device to assemble packet streams (**column 13 lines 1-15**). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Shaffer et al, Wecker et al, and Beyda et al because doing so would allow for data that exceeds the capabilities of a recipients device to be sent to the device in pieces and allowing for the device to rejoin these files to recreate and display the original file by using the header of each file to identify the number of files expected and the order of each file.

20. As per claim 10, Shaffer et al fail to teach reading unique headers from each file of said plurality of image files, said unique headers indicating the total number of files comprising said

plurality of image files, and said unique headers also indicating the position of each file of said plurality of image files within said image data; and constructing said end-use-device file by joining said plurality of image files in an order indicated by said unique headers.

21. However, Wecker et al teach a header in each packet. The header can contain packet number, sequence number, and other headers that provide a unique identification of the packet stream that enables a receiver such as a mobile device to assemble packet streams (**column 13 lines 1-15**). The unpackager joins all packets and knows how many packets to expect (**column 13, lines 65-67**). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Shaffer et al, Wecker et al, and Beyda et al because doing so would allow for data that exceeds the capabilities of a recipients device to be sent to the device in pieces and allowing for the device to rejoin these files to recreate and display the original file by using the header of each file to identify the number of files expected and the order of each file

22. As per claim 12, Shaffer et al teach a first path is a wireline network (**column 5, lines 50-55**).

23. As per claim 13, Shaffer et al teach a second path is a wireless network (**column 5, lines 50-55**).

24. As per claim 14, Shaffer et al teach a second file format comprises the UUencoded format (**column 1, lines 51-53**).

25. As per claims 52-55, Shaffer et al teach the image data comprises the image and said converting step further comprises step further comprises formatting the image data by at least one of resizing the image and altering the color scheme of the image (**see abstract, column 2, lines 30-65**).

26. As per claims 15-21, 23-35, 37-47, 49-51, and 56-59, they contain similar limitations as claims 1-10, and 12-14 above, therefore are rejected under the same rationale.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2152

RR
July 25, 2005


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